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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,380	06/15/2005	Wilhelmus Franciscus Johannes Fontijn	NL 021356	4262
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EXAMINER				
ALUNKAL, THOMAS D				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,380

Applicant(s)

FONTIJN ET AL.

Examiner

THOMAS D. ALUNKAL

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Whipple, II (hereafter Whipple)(US 5,333,311).

Regarding claim 1, Whipple discloses a storage device for storing a data file on a rewritable recording medium (Abstract), said device comprising: identification means for identifying a rewriting frequency of said data file (Column 2, lines 53-59); classification means for classifying said data file based on said identified 'rewriting frequency (Figures 1-5); and writing means for writing said data file on said rewritable recording medium using a rule selected according to the classification of said data file (Column 3, lines 35-43).

Regarding claim 2, Whipple discloses wherein said classifying means is adapted to classify said data file as a volatile file, if it is written or expected to be written more

than a predetermined ratio of the recyclability of said rewritable recording medium (Figure 4, Element 403 where "active" corresponds to "volatile").

Regarding claim 3, Whipple discloses wherein said identifying means is arranged to identify said rewriting frequency by determining the amount of time until said data file has been re-written or the number of times said data file is written within a predetermined time period (Figure 4).

Regarding claim 4, Whipple discloses wherein said identifying means is arranged to identify said rewriting frequency based on the type of said data file (Figures 1-5).

Regarding claim 7, Whipple discloses wherein said selected rule used by said writing means defines a relocation frequency (Column 2, lines 53-59).

Method claims 8, 9, 10, and 13 are drawn to the method of using the corresponding apparatus claimed in claims 1, 3, 4, and 7, respectively. Therefore method claims 8, 9, 10, and 13 correspond to apparatus claims 1, 3, 4, and 7 and are rejected for the same reasons of anticipation as used above.

Regarding claim 14, Whipple discloses a rewritable record carrier for storing data files (see Title), said record carrier comprising a first storing area for storing data filed re-written at a rewriting frequency within a first predetermined range (Figure 6, Element 601), and a second storing area for storing data file re-written at a rewriting frequency within a second predetermined range (Figure 6, Element 603), wherein the rewriting frequencies of said first predetermined range are higher than the rewriting frequencies of said second predetermined range (Column 3, lines 1-13), and wherein the location of at least one of said first and second storing areas is indicated in a navigation area of

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said recording carrier (address information is inherently provided in the rewritable record carrier).

Regarding claim 15, Whipple discloses wherein said record carrier has a disk shape, and said first predetermined storing area is arranged at an outer radial portion of said disk shaped record carrier (Figure 6, Element 601).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whipple.

Regarding claim 5, Whipple does not specifically disclose wherein said selected rule used by said writing means defines a write optimization for reduced power consumption. However, the Examiner is taking Official Notice that it was well known at the time of the applicant's invention to select a write strategy which reduces the power consumption of a disc drive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide selective write strategies with varying

recording powers to the storage device of Whipple, motivation being to reduce power consumption of the storage device while preserving the lifetime of the record carrier.

Regarding claim 6, Whipple discloses wherein said write optimization defines the location of a storage area on said recording medium (Figure 6, Element 601).

Regarding claims 11 and 12, these claims recite limitations similar to those in claims 5, and 6, respectively, and are rejected for the same reasons of obviousness as used above.

Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whipple and in view of Applicant's Admitted Prior Art (AAPA).

Regarding claim 16, Whipple does not disclose wherein said record carrier is a SFFO disk. However, AAPA discloses the use of a SFFO disk as a common record carrier (Paragraph 0004)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the data structure of Whipple to a SFFO disk, motivation being to reduce the overall size of the record carrier (Paragraph 0004 of AAPA).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davy (US 5,808,821) discloses a method for eliminating file fragmentation and reducing average seek times in a magnetic disk media environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS D. ALUNKAL whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Alunkal/
Examiner, Art Unit 2627

/Wayne R. Young/
Supervisory Patent Examiner, Art Unit 2627